

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE, NC

FILED
CHARLOTTE, NC
DEC 17 2012

SECURITIES AND EXCHANGE COMMISSION
Plaintiff

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

vs.

Civil Action No: 3:12-CV-519

REX VENTURE GROUP, L.L.C. d/b/a
ZEEKREWARDS.COM, and PAUL BURKS
Defendants

/

REQUEST FOR JUDICIAL NOTICE

Non-party Nathaniel Woods does hereby respectfully request that this Court take Judicial Notice of Mr. Woods Attached Objection to duplicate Subpoenas attached as **Exhibit B**. This request is made pursuant to Rule 201 of the Federal Rules of Evidence. This request is made in conjunction with the Non-party's Motion to Quash Subpoena which is incorporated by reference.

1. Movant Nathaniel Woods is a resident of the state of Florida and is not located within the jurisdiction of this court.
2. On or about October 31, 2012, Receiver McGuireWoods, L.L.P. allegedly served Woods an alleged subpoena via the U.S. Postal Service, First Class mail.

3. Mr. Woods timely filed a Motion to Quash the alleged subpoena on November 20, 2012.

4. On November 28th, 2012, Mr. Woods received a second subpoena from McGuire Woods, L.L.P. delivered via FedEx at his residence. **see attached "Exhibit C".**

5. On November 29th, 2012. Mr. Woods received a third subpoena from McGuire Woods, L.L.P. delivered certified mail. Said subpoena was a duplicate of that received on November 28th, 2012. **see attached "Exhibit D".**

6. Mr. Woods never received a prior Notice of Subpoena which is required by F.R.C.P. Rule 45.

7. Mr. Woods was never duly served a legitimate subpoena.

8. In the last 30 days, Mr. Woods has received three Subpoenas requesting the same or identical information relating to business communications or business practices of Rex Venture Group which the Receiver already has in their possession is undue burden on Mr. Woods. Subjecting Mr. Woods to three subpoenas is nothing more than harassment and causing Woods the cost and expense of having to respond/object to all three Subpoenas.

9. McGuire Woods L.L.P. has placed an undue burden and expense upon Mr. Woods, which violates provisions of F.R.C.P. Rule 45.

“A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden on a person subject to the subpoena.” F.R.C.P. Rule 45 (c)(1).

10. This Court has a duty and obligation to protect the non-party, Nathaniel Woods, from undue burden, expense, and harassment. “A court must quash or modify a subpoena that subjects a person to an undue burden.” F.R.C.P. Rule 45 (c)(3)(A)(iv).

11. Mr. Nathaniel Woods respectfully requests that this Court take Judicial Notice of these Facts And on the foregoing reasons Exhibit B may be properly considered by the Court in ruling on Mr. Woods Motion to Quash Subpoena #1.

Respectfully

Nathaniel Woods, Movant
c/o 216 S.W. 11th Avenue
Ocala, FL 34471

by: Nathaniel Woods

Dated: December 11, 2012

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Certificate of Service

I, Nathaniel Woods, Movant, do hereby certify that the foregoing Request for Judicial Notice was sent U.S. Postal Service, postage prepaid and certified mail to Irving M. Brenner, McGuireWoods, L.L.P., P.O. Box 31247, Charlotte, NC 28231, on this 11th day of December, 2012, and a copy delivered to the Court and courtesy copies to the parties in this matter.

Nathaniel Woods, Movant
c/o 216 S.W. 11th Avenue
Ocala, FL 34471

by: Nathaniel Woods